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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,197	08/18/2003	Youichi Hidaka	MA-581-US	1118
21254 7590 04/15/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER				
WALSH, JOHN B				
ART UNIT		PAPER NUMBER		
2151				
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04/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/642,197

**Applicant(s)**

HIDAKA ET AL.

**Examiner**

John B. Walsh

**Art Unit**

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE of 4/2/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,526,056 to Rekter et al.

As concerns claim 1, a node in an Ethernet network to relay an Ethernet frame (column 7, lines 46, 49-50-Ethernet protocol) comprising: an element (fig. 7; P2) which inserts two or more VLAN tags (column 4, lines 64-66; VC2, T3) into said frame and removes said inserted VLAN tag in the relay process of said frame (column 8, lines 41-54; abstract; fig. 7; T4 removed).

As concerns claim 2, a node as set forth in claim 1 further comprising element which replaces two or more VLAN tags of said frame at a time (column 4, lines 64-66).

As concerns claim 3, a node as set forth in claim 1 further comprising: element which administrates said two or more VLAN tags using the forwarding table memory (column 9, lines 5-6) for change of frame contents during frame relay.

As concerns claim 4, a node as set forth in claim 1 further comprising element which searches the forwarding table memory (column 9, lines 5-6) using the information from two or more VLAN tags in said frame during frame relay.

As concerns claims 5 and 14, further comprising element which searches the forwarding table memory (column 9, lines 5-6) in the relay process of said frame with a combination of an information from two or more VLAN tags in said frame and an input port (column 5, line 5), a destination MAC address (column 7, line 52), a source MAC address (column 7, line 53) and a TYPE field information (column 7, line 55).

As concerns claims 6 and 15, further comprising element which provides a TTL area (column 8, line 24) to show the survival time of the frame in said VLAN tag inserted to said frame and checks whether said survival time has elapsed or not by the value in said TTL area and discards said frame after elapse of said survival time without relaying it in the relay process of said frame.

As concerns claims 7 and 16, further comprising element which decrements the value in said TTL area (column 37, lines 36-44) by one every time said frame is relayed.

As concerns claims 8 and 17, wherein node control information (column 7, line 49-column 8, line 14; CRC, address, type field can be "control" information) is stored to said VLAN tag.

As concerns claims 9 and 18, further comprising element which changes a self-node status administration corresponding to the content of said VLAN tag (column 7, line 66-column 8, line 14).

As concerns claims 10 and 19, wherein the node status is stored to the area of said VLAN tag in the relayed frame corresponding to the self-node status (figures 1 and 2).

As concerns claim 11, a frame transfer method of the node to relay an Ethernet frame comprising: receiving an Ethernet frame in said node (column 7, line 46-Ethernet protocol);

inserting two or more VLAN tags to said Ethernet frame at a time (column 4, lines 64-66) or removing said inserted VLAN tags; and forwarding said Ethernet frame (abstract).

As concerns claim 12, a frame transfer method as set forth in claim 11 wherein a forwarding table memory (column 9, lines 5-6) for frame contents change during frame relay is used for administration of said two or more VLAN tags.

As concerns claim 13, a frame transfer method as set forth in claim 11 wherein a forwarding table memory (column 9, lines 5-6) is searched during frame relay using the information from two or more VLAN tags in said frame.

### ***Response to Arguments***

3. Applicant's arguments filed April 2, 2008 have been fully considered but they are not persuasive.

The applicant argues Rekter fails to disclose the insertion of two tags and removal of a tag executed by the same unit. This limitation may be true for claim 1 however independent claim 11 does not disclose this feature. However Rekter at figure 7 discloses an element inserting two tags and removing a tag.

The applicant argues Rekter does not describe control information being stored in a tag as recited in claim 8. The claims have been given the broadest reasonable interpretation and Rekter does disclose "control" information at least at col. 7, lines 49-col. 8, line 15. The claims do not quantify what constitutes "control" information. Rekter stores various data (i.e. CRC, address, type) in the tag that constitute "control" information.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/  
Primary Examiner, Art Unit 2151